

REMARKS

By this amendment, Applicant has amended claims 1, 3-6, 9-10, 13, 15, and 18-19, canceled claims 2, 7-8, 11, and 16, without prejudice, and added new claims 21-25. As a result, claims 1, 3-6, 9-10, 12-15, and 17-25 are pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserves the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office rejects claims 13-17 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that claims 13-17 are system claims directed to software alone. However, Applicant notes that the preamble of claim 13 recites “[a] system for processing a transaction that requires a plurality of resources”. Claim 13. In the Specification, FIG. 1 is described as showing “an illustrative system 10 for processing transactions.” Specification, paragraphs 0013, 0019. As clearly illustrated in FIG. 1 and described in the Specification, system 10 includes, *inter alia*, a computer 12, which includes a processing system 28 stored therein. To this extent, an embodiment of the claimed system for processing a transaction that requires a plurality of resources is clearly shown and described as including both a computer and program code. See, e.g., Specification, paragraphs 0019, 0037. As a result, Applicant respectfully requests withdrawal of the rejection of claims 13-17 as allegedly being directed to non-statutory subject matter.

Further, the Office rejects claims 1, 9, 13, and 18 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that claims 1, 9, 13, and 18 do not produce a tangible result. By this response, Applicant has amended claim 1 to expressly state, *inter alia*, that each resource is required by the transaction and that a reply is sent to a requester after receiving a preparation response for a resource. Applicant has made similar amendments to claims 9, 13, and 18. To this extent, Applicant respectfully submits that claims 1, 9, 13, and 18 clearly produce tangible results. As a result, Applicant respectfully requests withdrawal of the rejections of claims 1, 9, 13, and 18 as allegedly being directed to non-statutory subject matter.

Further, the Office rejects claims 1-3, 5-6, 9, 12-15, 18, and 20 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0215594 (Somogyi); rejects claim 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Somogyi; and rejects claims 4, 7-8, 10-11, 16, and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Somogyi in view of Applicant's admitted prior art (AAPA). By this response, Applicant has amended claim 1 to include, *inter alia*, replying to a requester and requesting one of: a commitment or a roll back. The commitment/roll back request is performed after the replying. Independent claims 9, 13, and 18 have also been amended to include similar features. A similar feature was included in originally presented claim 8. In rejecting claim 8, the Office alleges that this feature would have been obvious "because resources are bound to commit upon successfully [sic] preparation of the resources". Applicant respectfully traverses this rejection.

In support of the rejection, the Office cites Somogyi, FIG. 3, ref. 330 and paragraph 27; and AAPA, paragraphs 4 and 5. However, Somogyi fails to teach or suggest replying at all as acknowledged by the Office in rejecting claim 4. Office Action, p. 6, paragraph 24. Further, AAPA only teaches providing a response to the requester once both resources have been successfully committed. AAPA, paragraph 0003. Additionally, neither Somogyi nor AAPA provides any support for the Office's statement that "resources are bound to commit upon successful[] preparation of the resources". To this extent, neither Somogyi nor AAPA provides any teaching or suggestion for replying to a requester prior to requesting one of: a commitment or a roll back as in independent claims 1, 9, 13, and 18.

In light of the above, Applicant respectfully requests withdrawal of the rejections of claims 1, 9, 13, and 18, and the claims that depend therefrom, as allegedly being anticipated by Somogyi and/or unpatentable over Somogyi in view of AAPA. However, should the Office maintain its rejection, Applicant respectfully requests that the Office clarify how Somogyi and/or AAPA support its statement that "resources are bound to commit upon successful[] preparation of the resources" as alleged in its previous rejection of claim 8.

Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant

reserves the right to present such arguments in a later response should one be necessary and/or in a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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